

HOUSE BILL No. 1321

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-26-1.

Synopsis: Motor vehicle accident scenes. Requires the driver of a vehicle involved in an accident that results in injury to or the entrapment of a person in a vehicle to: (1) stop the vehicle at the scene of the accident; and (2) render assistance to each person injured or entrapped in the accident. Provides that if the driver of a vehicle involved in an accident is physically incapable of making an immediate report of the accident to the appropriate law enforcement agency, another occupant in the vehicle capable of making the report must: (1) immediately report the accident to the appropriate law enforcement agency; and (2) render reasonable assistance to each person injured or entrapped in the accident. Provides that a driver or occupant who knowingly, intentionally, or recklessly violates any of these provisions commits a Class C misdemeanor.

Effective: July 1, 2007.

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January 16, 2007, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1321

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-26-1-1, AS AMENDED BY P.L.210-2005,
2 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 1. The driver of a vehicle involved in an accident
4 that results in the injury or death of a person **or the entrapment of a**
5 **person in a vehicle** shall do the following:

6 (1) Immediately stop the **driver's** vehicle at the scene of the
7 accident or as close to the accident as possible in a manner that
8 does not obstruct traffic more than is necessary.

9 (2) Immediately return to and remain at the scene of the accident
10 until the driver does the following:

11 (A) Gives the driver's name and address and the registration
12 number of the vehicle the driver was driving.

13 (B) Upon request, exhibits the driver's license of the driver to
14 the following:

15 (i) The person struck.

16 (ii) The driver or occupant of or person attending each
17 vehicle involved in the accident.

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(C) Determines the need for and renders reasonable assistance to each person injured **or entrapped** in the accident, including the removal or the making of arrangements for the removal of each:

(i) injured person to a physician or hospital for medical treatment; **and**

(ii) **entrapped person.**

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005.

SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) If the driver of a vehicle is physically incapable of giving immediate notice of an accident as required by section 1(3) this chapter and there is another occupant in the vehicle at the time of the accident capable of giving the notice, the occupant shall do the following:**

(1) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(2) Determine the need for and render reasonable assistance to each person injured or entrapped in the accident, including the removal or the making of arrangements for the removal of each:

(A) injured person to a physician or hospital for medical treatment; and

(B) entrapped person.

(b) If there is more than one (1) occupant in a vehicle described in subsection (a), it is a defense to a prosecution under this section that the accused occupant reasonably believed another occupant in the vehicle gave the notice and assistance not given by the driver.

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SECTION 3. IC 9-26-1-2, AS AMENDED BY P.L.210-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person **or the entrapment of a person in a vehicle** but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars (\$1,000), forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005; within ten (10) days after the accident.

SECTION 4. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) If:

(1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter; and

(2) there was another occupant in the vehicle at the time of the accident capable of making an immediate or a written report; the occupant shall make or cause to be made the report not made by the driver.

(b) If:

(1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter;

(2) there was no other occupant; and

(3) the driver is not the owner of the vehicle;

the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.

SECTION 5. IC 9-26-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who **knowingly**,

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1 **intentionally, or recklessly** violates section **1(2)(C)**, 1(3), **1.5**, 2(1), or
2 2(2) of this chapter commits a Class C misdemeanor.

3 SECTION 6. [EFFECTIVE JULY 1, 2007] **IC 9-26-1-1,**
4 **IC 9-26-1-6, and IC 9-26-1-9, all as amended by this act, and**
5 **IC 9-26-1-1.5, as added by this act, apply only to crimes committed**
6 **after June 30, 2007.**

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